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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,416	12/23/2005	Patrick K. Sullivan	HOANA-72375	3877
7590 03/25/2008				
Craig B Bailey Fulwider Patton Howard Hughes Center 10th Floor 6060 Center Drive Los Angeles, CA 90045		EXAMINER NATNITHITHADHA, NAVIN		
		ART UNIT 3735		PAPER NUMBER
		MAIL DATE 03/25/2008		DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,416

Applicant(s)

SULLIVAN, PATRICK K.

Examiner

NAVIN NATNITHITHADHA

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 01082007.12232005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Individual Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The status of the claims are as follows:

Claims 1-26 are as originally filed.

2. Applicant filed a Substitute Specification on 23 February 2006. However, this Substitute Specification does not include the changes to the Specification made in Applicant's Preliminary Amendment, filed on 23 December 2005, which contains a reference to the corresponding PCT International application and the prior-filed U.S. Provisional application. Applicant is directed to file a new amendment to the specification to correct this discrepancy.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

4. The disclosure and claims is objected to because of the following informalities:

The Applicant's disclosure and claims uses the word "discretized". However, this word is not defined in any dictionary. Did the Applicant mean to use the word "discrete"? Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 includes the phrase "related medical conditions". This phrase is indefinite because it is not clear what medical conditions could be considered as "related medical conditions".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by John, U.S. Patent No. 4,974,598 A ("John").

Claims 14-26: John teaches a radiation stress, non-invasive vital sign monitoring device (see Abstract) comprising:

one or more discretized sensor arrays 10 for continuously, in real-time, measuring and collecting discretized acoustic, electromechanical, or other physiological signals, over a range of frequencies, or in a time domain or frequency domain from a patient, who is in contact with the discretized sensor arrays (see col. 6, ll. 10-34);

a surface on the one or more discretized sensor arrays for engaging a patient (see fig. 2);

a transmission system 11 for transmitting data, via wire, fiber optics or wirelessly, collected by the one or more discretized sensor arrays (see fig. 2);

a receiving device 13 for receiving the transmitted data from the one or more discretized sensor arrays (see fig. 2); and

a computing device 14 connected to the receiving device 13 for calculating values of vital signs of the patient, e.g. average, mean, systolic and diastolic arterial blood pressure, hypertension and/or related medical conditions, by: producing time series data from various discretized sensor array signals, calculating energy spectrum from the time series data, and determining variance of each discretized sensor array (see col. 5, l. 45, to col. 7, l. 14).

Claims 1-13: Because the method of claims 1-13 are not distinct from the apparatus of claims 14-26, the method of claims 1-13 are anticipated by John for the same reasons as above for claims 14-26.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAVIN NATNITHITHADHA whose telephone number is (571)272-4732. The examiner can normally be reached on Monday-Friday, 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navin Natnithithadha/
Patent Examiner, Art Unit 3735
03/07/2008